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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,455	08/11/2000	Shaohan J. Chou	1-1-4	8830

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Docket Administrator Rm 3C-512
Lucent Technologies Inc
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EXAMINER

WILLIAMS, LAWRENCE B

ART UNIT	PAPER NUMBER
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2634

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DATE MAILED: 11/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,455

Applicant(s)

CHOU ET AL.

Examiner

Lawrence B Williams

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5,7-11 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,4,6,12,14 and 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Pillozzi et al. (WO 01/58173 A2). US application 09/498,328 of which this patent claims its priority date has been allowed and is at publications awaiting publication.

(1) With regard to claim 1, Pillozzi et al. discloses in Fig. 3, a method of correcting for a phase offset between a subscriber and a service provider, comprising: sending a training signal from the subscriber to the service provider, the service provider being synchronized to a network clock, receiving the training signal at the service provider, calculating the phase offset between the subscriber and the service provider based upon the received training signal, retransmitting the calculated phase offset from the service provider to the subscriber, and pre-adjusting a new signal transmitted from the subscriber to the service provider based upon the transmitted phase offset (pg. 4, lines 2-24).

(2) With regard to claim 9, claim 9 inherits all limitations of claim 1. Furthermore, Pillozzi et al. also discloses transmitting the pre-adjusted new signal such that the new signal is in phase with the network clock when the new signal is received at the service provider (abstract).

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(3) With regard to claim 10, Pillozzi et al. also discloses wherein the pre-adjusting step further includes adjusting the phase of a clock signal in the subscriber by the transmitted phase offset (pg. 12, lines 13-15).

(4) With regard to claim 11, claim 11 inherits all limitations of claim above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 5, 7, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pillozzi et al. (WO 01/58173 A2) as applied to claims 1 and 11 above, in view of Pillozzi et al. (US Patent 6, 456,651 B1).

(1) With regard to claim 2, as noted above, Pillozzi et al. discloses in WO 01/58173 A2) discloses all limitations of claim 1. He does not however disclose wherein the calculating step further comprises modulating the received training signal by a cosine function to generate a signal Rx and modulating the received training signal by a sine function to generate a signal Ry.

However, Pillozzi et al. does disclose in US Patent 6,456,651 B1 in Fig. 6, wherein the calculating step further comprises modulating the received training signal by a cosine function to

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generate a signal Rx and modulating the received training signal by a sine function to generate a signal Ry.

One skilled in the art would have clearly recognized that transmitting comprises modulating the received training signal by a cosine function to generate a signal Rx and modulating the received training signal by a sine function to generate a signal Ry is a well-known technique introduced in many references. Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to incorporate the methods as taught in both patents as a method of adjusting the sampling phase and optimization of the system for channel interference and noise (col. 2, lines 21-26).

(2) With regard to claim 5, claim 5 inherits all limitations of claim 2, above. Furthermore, Pillozzi et al. also disclose in US Patent 6,456,651 B1 in Fig. 6, determining the phase offset, Δt , as a function of the arctangent (R_x/R_y).

(3) With regard to claim 7, Pillozzi et al. also disclose in US Patent 6,456,651 B1, transmitting the calculated phase offset further includes transmitting a calculated time delay at the service provider side, t_0 (col. 8, lines 26-44).

(4) With regard to claim 8, claim 8 inherits all limitations of claim 7. Furthermore Pillozzi et al. also discloses in US Patent 6, 456,651 B1, pre-adjusting the new signal transmitted from the subscriber to the service provider based upon the transmitted phase offset and the transmitted time delay at the service provider (abstract).

(5) With regard to claim 13, claim 13 inherits all limitations of claims 1, 2 and 11 above.

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Allowable Subject Matter

5. Claims 3, 4, 6, 12, 14-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence B Williams whose telephone number is 703-305-6969. The examiner can normally be reached on Monday-Friday (8:00-5:00) being out of the office every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4750.

Lawrence B. Williams

lbw
October 21, 2003


STEPHEN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600